



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

August 11, 2004

SUBJECT: **2004-0566:** Application on a 6,168 square foot site located at **924 Mockingbird Lane** in an R-0 (Low Density Residential) Zoning District. (APN: 198-42-003)

Motion **Variance** from SMC (Sunnyvale Municipal Code) section 19.34.030 to allow a combined side-yard setback of nine feet and ten inches where twelve feet is required.

REPORT IN BRIEF

Existing Site Single-Family Residential

Conditions

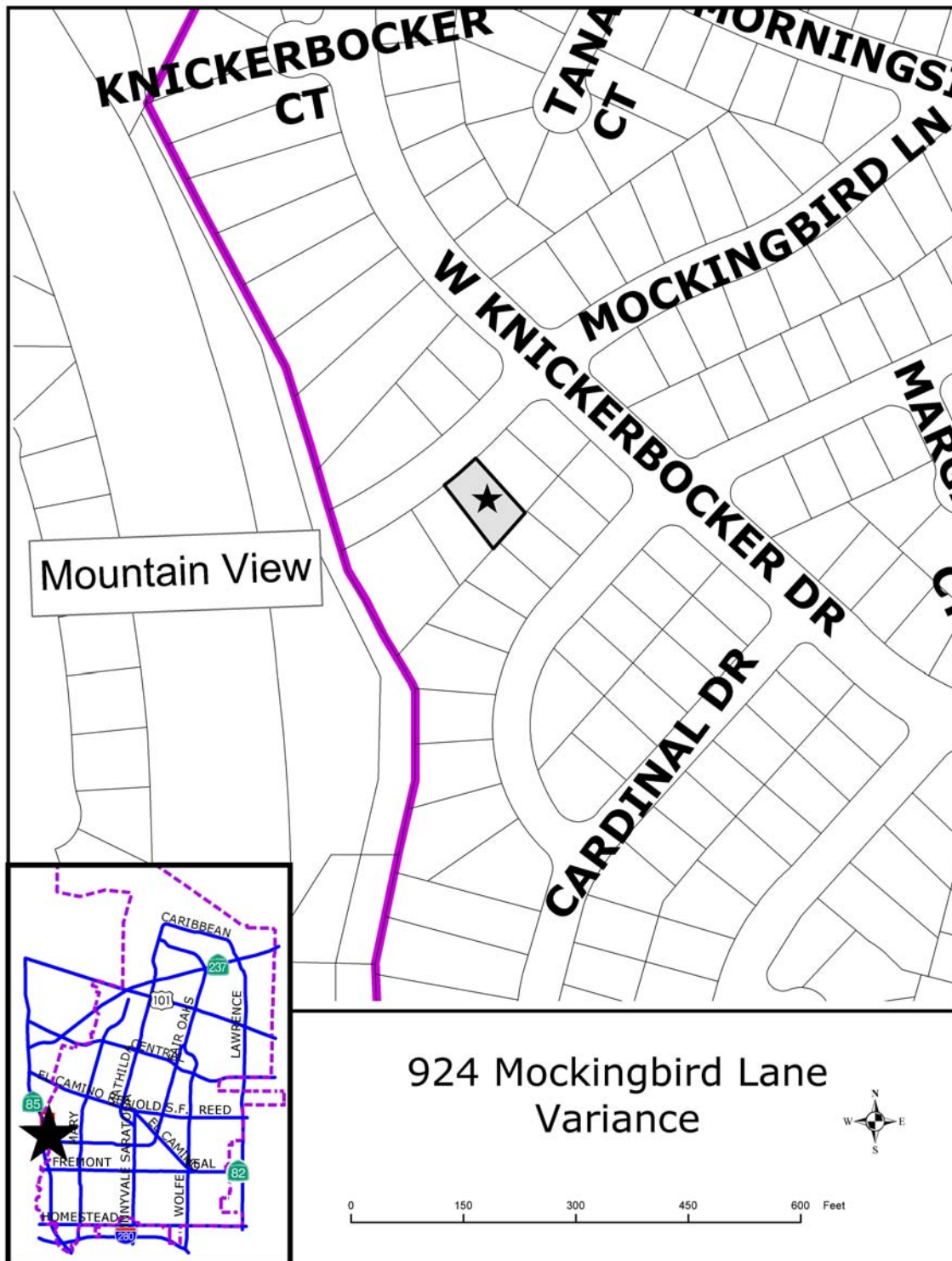
Surrounding Land Uses

North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

Issues Total Side Yard Setback

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	---
Zoning District	R-O	Same	---
Lot Size (s.f.)	6,168	Same	6,000 min.
Gross Floor Area (s.f.)	1,662	2,017	2,776 max.
Lot Coverage (%)	27 %	33 %	45 % max.
Floor Area Ratio (FAR)	27 %	33 %	45 % w/o Plng. Comm. approval
No. of Buildings On-Site	1	1	---
Building Height (ft.)	15	Same	30 max.
No. of Stories	1	1	2 max.
Setbacks (facing prop.)			
• Front	24.9	21.5	20 min.
• Left Side	5.7	4.2	4 min. (12 total min.)
• Right Side	5.5	Same	4 min. (12 total min.)
• Rear	27.1	Same	20 min.
Parking			
• Total No. of Spaces	4	Same	min.
• No. of Covered Spaces	2	Same	min.

ANALYSIS**Background**

Previous Actions on the Site: There are no previous planning applications on this site.

Description of Proposed Project

The proposed project involves a 355 square foot addition to the front of an existing house. The project will consist of an addition of a master bedroom and master bathroom, as well as a remodeling of 32 square feet of an entryway. As proposed, the project requires a Variance to allow a total side yard setback of 9 feet 10 inches where 12 feet is required.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 5 Categorical Exemptions include minor alterations in land use limitations, including setback variances.

Variance

Use: The applicant requests to expand to front of the house to make space for a master bedroom and master bath. The entryway will also be modified to include an entry clerestory. The applicant has requested extending the addition forward to continue along the plane of the existing side of the house. Given the slightly irregular shape of the lot, the addition will result in a side yard non-conformity.

Site Layout: The proposed 355 square foot addition is to the front of an existing 1,662 square foot house. The project is located on a 6,168 square foot lot. The site includes a large tree in the front yard and two smaller trees located in the rear yard. The lot is not rectangular and the applicant is requesting the Variance to maintain the linear integrity of the left side of the house. The applicant is concerned that angling the addition or designing a jog in the house would result in an unattractive architectural feature.

Architecture: The ranch style house was built during the post WWII period in 1953. The proposed single-story addition will introduce a dormer window and gable to the front elevation while maintaining most of the existing architecture. The addition of the master bedroom will result in a recessed entryway. The application also includes design features to improve the architectural character and appearance of the house; these features would be approved as part of a standard design review and are not part of the Variance application.

Compliance with Development Standards

No other setbacks or lot coverage deviations are requested with this application. The new front yard setback will be 22 feet, which is in compliance with the Sunnyvale Municipal Code. The total side yard setback is currently in non-conformance at 11.2 feet, which is less than the required 12 feet. The

project would result in a total side yard setback of 9.8 feet at the forward-most corner of the lot. The left side yard setback would be reduced from 5.7 feet to 4.3 feet, which meets the minimum side yard setback of 4 feet for one side.

The increased non-conformity is due to the non-symmetric nature of the lot. The rear lot line is 8.3 feet longer than the front lot line, resulting in a narrowing toward the front of the lot. If the lot shape were symmetric, with the average length used (60.9 feet), then the addition would conform to the City Code.

The applicant has explored the possibility of adding the addition to the rear of the house. However, the reduction to the rear yard would require a reconfiguring of the home, would impact on the use of the rear yard as a children's play area, and may impact existing trees.

Staff understands applicant's justifications; however, staff is not able to make the necessary findings to recommend approval. This application is not similar to other Variances that have been approved in that the size is above the minimum lot size, the lot width is only 1 foot less than the R-0 standard and is typical of nearby lots, and the resulting jog (if the required setback is followed) would not be a significantly noticeable architectural feature.

Expected Impact on the Surroundings

The proposed project is expected to result in no notable impact to the surrounding properties. The owner of the neighboring property to the east, which would appear to be the most impacted by the proposed addition, signed a statement that they had reviewed and approved of the proposed changes. Of the seven neighboring properties on Mockingbird Lane, one had an approved Variance to a front yard setback in 2002, and the neighbor directly to the east completed a second-story addition to their home that was approved 1997. The proposed work is located beyond the 100 foot buffer directed by the Santa Clara Valley Water District.

Findings, General Plan Goals and Conditions of Approval

Staff was not able to make the required Findings based on the justifications for the Variance. If the Administrative Hearing Officer is able to make the Findings, the suggested Conditions of Approval are located in Attachment 2.

- Findings and General Plan Goals are located in Attachment 1.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 11 notices mailed to the adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

In addition, five of the applicant's six neighbors signed a statement that they had reviewed the plans and are in support of the proposed addition and variance (see Attachment 5). The sixth neighbor was out of town at the time.

Alternatives

1. Deny the Variance
2. Approve the Variance with attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:

Jamie McLeod
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Justifications from the Applicant
5. Statement of approval by neighbors
6. Site Photos

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. This Finding is not made. While staff understands the applicant's justification that the need for a Variance is based on the non-symmetric nature of the lot, staff is not able to make the findings for this criteria for the following reasons:
 - The lot size is above the minimum standard size;
 - The lot width is only one foot less than the standard for R-0 lots; and
 - The jog in the house that would result from maintaining the required setback would not appear to result in a significantly noticeable architectural feature and would still permit the addition.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. This Finding is made. The addition would allow the applicant to maintain a one-story home in a predominately single-story neighborhood. The proposed addition is not expected to impact on the privacy of the neighboring property. And the proposed changes to the home include architectural enhancements.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. This Finding can be made. The intent of the ordinance to maintain a certain distance between homes and to maintain privacy rights for homeowners. The proposed addition on the left side of the house extends beyond the right of the house; and at the forward-most corner of the proposed addition, the structure meets the minimum side yard setback of 4 feet for an R-0 Zone.

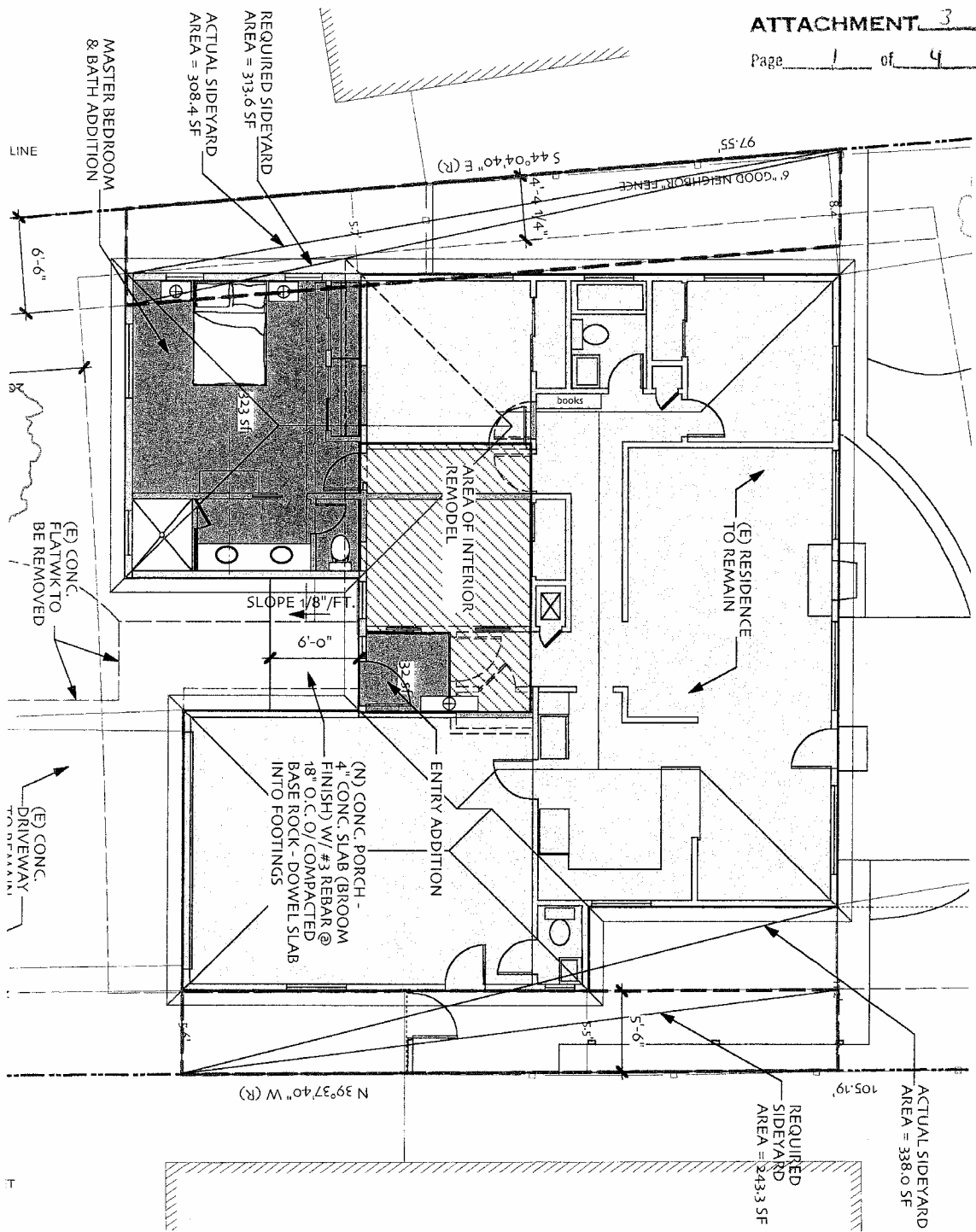
Recommended Conditions of Approval - Variance

Staff recommends denial. If the Administrative Hearing Officer can make the necessary Findings, staff recommends the following Conditions of Approval.

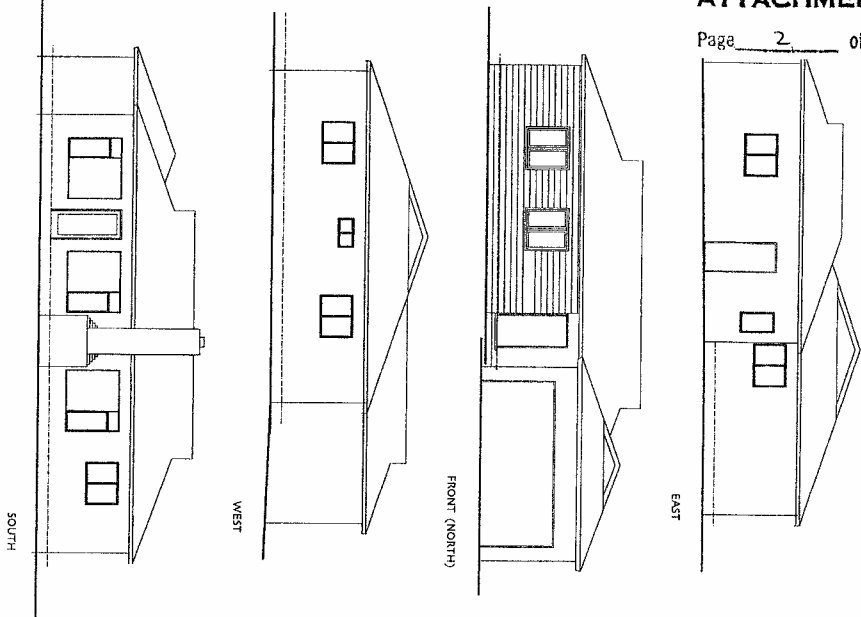
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

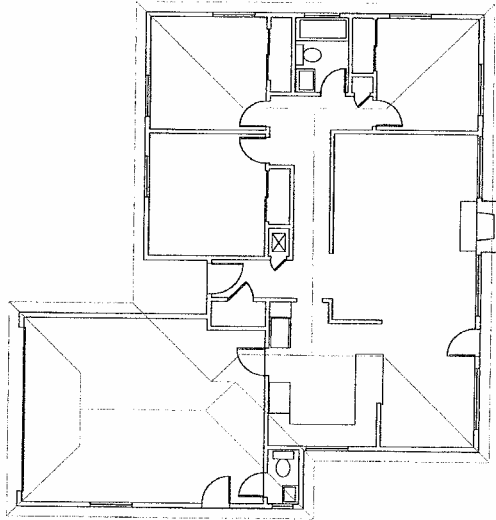
1. The two-year expiration date of the Variance shall be measured from the date of the approval of the final review authority at a public hearing if the approval is not exercised.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development; major changes shall be subject to the approval at a public administrative hearing.
3. Obtain a building permit prior to development of the site.
4. Maintain the mature tree located in the front yard of the subject site. Precautionary measures shall be taken during the construction phase to protect the tree and the root structure from damage.



EXISTING EXTERIOR ELEVATIONS



EXISTING FLOOR PLAN



ALFONSO
HARMON
ARCHITECTS
777 Main St. Suite A
Los Altos, CA 94022
Tel. (650) 953-9994
Fax. (650) 953-9997

An Addition and Remodel for:
The Harmon Residence
924 Mockingbird Lane, Sunnyvale, CA

Drawn: T.M.
Scale: 1/8" = 1'-0"
Date: 10/10/00
Sheet: 1A
A-2.0
2/10/01

An Addition and Remodel for:
THE HARMON RESIDENCE
924 MOCKINGBIRD LANE, SUNNYVALE, CA 94087

[illegible]

GENERAL NOTES

[illegible]

SITE NOTES

¹ FINISH GRADING SHALL BE PERFORMED TO PROVIDE POSITIVE SURFACE DRAINAGE AWAY FROM CURB, 2% OF GREATER WHEN SHOWN ON DRAWING.

PROJECT CONSULTANTS

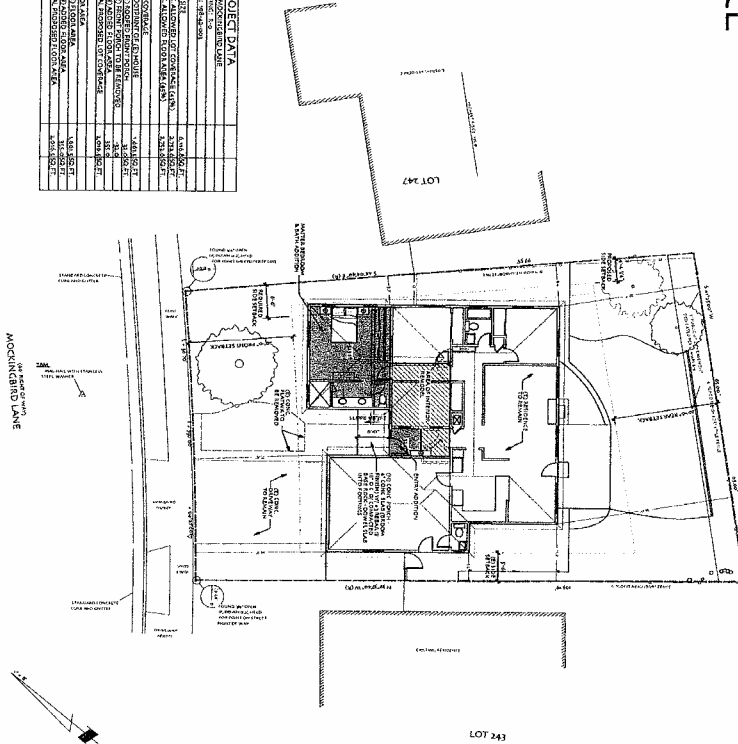
TECHNICAL SUPPORT
NICHOLAS HOOD ON CRY PRECIPITIN
MAIL ROOM, UNIT 109
10000 W. 10TH AVE., SUITE 109
DENVER, CO 80202
TEL: (303) 556-0100
FAX: (303) 556-0101

WHITE & HALEY CONSULTANT
SOLUBLE PLASTIC MATERIALS
10000 W. 10TH AVE., SUITE 109
DENVER, CO 80202
TEL: (303) 556-0100
FAX: (303) 556-0101

DISPOSABLES
AMALIN & KROGER, INC.
10000 W. 10TH AVE., SUITE 109
DENVER, CO 80202
TEL: (303) 556-0100
FAX: (303) 556-0101

SHEET INDEX

A-1.5	TITLE SHEET & SITE PLAN
A-1.0	EXISTING FLOOR PLAN & EXTERIOR ELEVATIONS
A-1.1	PROPOSED FLOOR PLAN & EXTERIOR ELEVATIONS

[illegible]

SITE PLAN

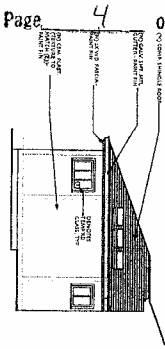
MOCKINGBIRD LANE

Or Sheet

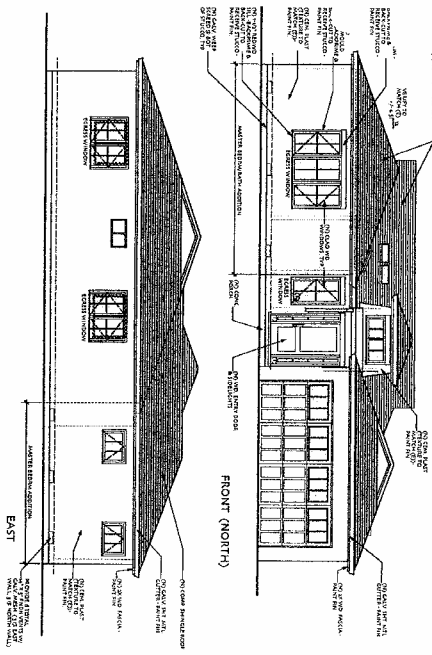
An Addition and Remodel for:
The Harmon Residence
924 Mockingbird Lane, Sunnyvale, CA

ALFONSO
HARMON
ARCHITECTS

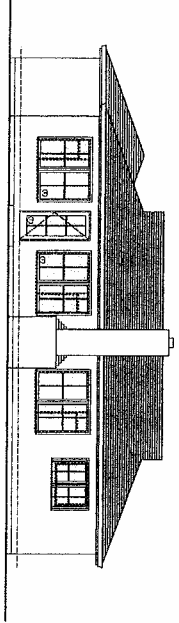
311 N. Main St. SDBA
Los Angeles, CA 90022
Tel: (818) 558-0314
Fax: (818) 558-0307



COURTYARD WEST

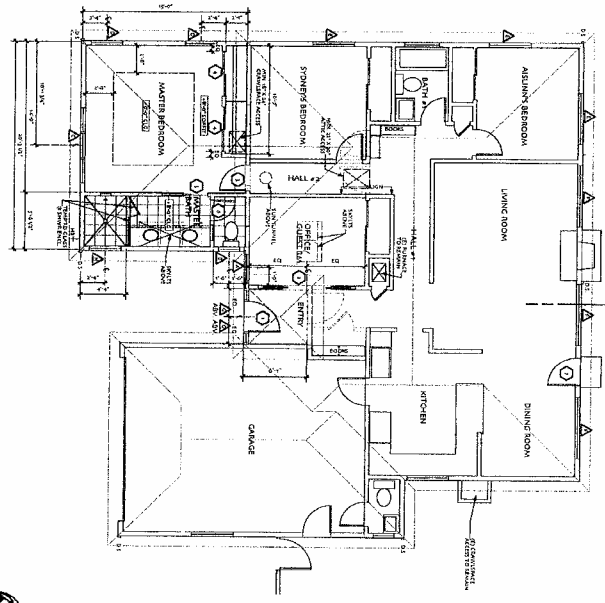


FRONT (NORTH)



SOUTH

EXTERIOR ELEVATIONS



FLOOR PLAN

- LEGEND**
- TO WALL
 - TO WALL TO BE REMOVED
 - TO WALL TO REMAIN



An Addition and Remodel for:
The Harmon Residence
 924 Mockingbird Lane, Sunnyvale, CA

**ALEXANDER
 HARMON**
 ARCHITECTS
 1171 N. 1st St., Suite A
 Los Angeles, CA 90012
 Tel: (213) 388-8284
 Fax: (213) 388-8271

A-2.1
 Sheets



7/8/04

TO: CITY OF SUNNYVALE
DEPARTMENT OF COMMUNITY DEVELOPMENT

RE: REQUEST FOR VARIANCE
924 MOCKINGBIRD LANE
APN: 198-42-003

VARIANCE JUSTIFICATIONS

Project Description: It is our desire to add a Master Bedroom and Bath to our home at 924 Mockingbird Lane. At the same time, we would like to remodel an existing Bedroom and convert it to an Office. This project will better suit the needs of our young and growing family, and provide a workspace for my wife who works out of the home. It is also our desire as part of this project to improve the architectural character and appearance of the house. The new divided-light wood windows, the new dimensional composition shingle roof for the entire house, the improved gutter and eave detail, and the addition of the Entry clerestory all work to significantly improve the appearance of the house and give it a more interesting and consistent architectural character.

Finding #1: Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Response: The basic problem, and the reason for this request for variance, stems from the exceptional shape of the property and the orientation of the existing house relative to the side property lines. The shape of the lot is irregular in that the width of the lot tapers from 65 ft. in the rear to 56.7 ft. in the front and as a result the 2 side property lines are not parallel. The existing house is oriented parallel to the west property line but not parallel to the east property line. The existing house is set back 5.5 ft on the west side, requiring a 6.5 ft setback on the east side. The existing side setback on the east side varies from 8.4 ft at the rear to 5.7 ft at the front. Thus the existing northeast corner of the house is beyond the required setback.

It is our desire to extend the existing east side wall of the house out to accommodate the new addition. Because of the angled side property line, this necessitates reducing the side setback to 4.3 ft. Property owners of standard lots whose side property lines are parallel (and whose house would be oriented parallel to the sides) would be allowed to extend their side walls for an addition without further encroaching upon the existing setback.

111 Main St. Suite A

Los Altos, Ca 94022

Tel 650.559.9394

Fax 650.559.9397

We feel that we have little choice but to extend the east side wall as proposed. Stepping the east side wall of the house in to meet the required setback results in a design that is not satisfactory to us and does not meet our needs as well as the proposed plan. Not only does moving the east wall in result in a substandard Master Bedroom, but it also creates an odd and arbitrary "jog" in the exterior wall of the house. This goes against my design philosophy as an architect that additions and remodels should look and feel as if they've always been a part of the house. Moving the east side wall in from the existing corner will make the project appear as an obvious and badly executed addition and be deleterious to the overall architectural character of the house.

As part of the design process, we have considered other options that would not require a variance. We originally considered adding the Bedroom and Bathroom to the rear of the house, but this was unsatisfactory because there was no way to create a Hallway to the rear without destroying the existing rear Bedroom or Living Room. Also, this rear addition would be detrimental to our use and enjoyment of the back yard. We also considered moving the front addition to the west to meet the required 6.5 ft side setback, reducing the width of the Entry courtyard. This option was neither possible nor acceptable because it would cover the only window to the Office/Guest Room (this window is a required egress window) and would create the "jog" in the exterior wall as noted above.

Finding #2: The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

Response: The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district because the proposed addition and requested side setback will have minimal if any impact on other properties. The property is located on a dead-end street with only 7 houses on it. 5 of the 6 other properties on the street (the 6th property owner was out of town) have signed the attached letter stating their approval and support for the project as proposed. It is the feeling of these neighbors that the new character and appearance of the house will not be detrimental but would instead be beneficial to the street.

Finding #3: Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Response: The intent and purpose of the ordinance will still be served upon granting of the Variance in that the "spirit" of the ordinance, if not the letter, will be maintained. The required area of separation at the side yards will still be provided. Even though the requested side setback is 4.3 ft in lieu of the required 6.5 ft, the project only touches that setback at one corner. The remainder of the east side of the house maintains an increasingly-larger setback. In fact, approximately half of the east side is within the required 6.5 ft setback. Also, the required side yard setback area is still maintained by the proposed project. The required combined 12 ft. width of the setback multiplied by the length of the 2 sides of the house results in a required side yard area of 556.9 sf. The proposed project maintains an actual side yard setback area of 646.4 sf (see attached diagram). For this reason, we as recipients of the Variance will not be granted special privileges.



ARCHITECTS

TO: CITY OF SUNNYVALE
DEPARTMENT OF COMMUNITY DEVELOPMENT

FROM: RESIDENTS OF MOCKINGBIRD LANE
SUNNYVALE, CA

RE: APPLICATION FOR VARIANCE FOR
924 MOCKINGBIRD LANE, SUNNYVALE, CA

We, the undersigned, have reviewed the plans for the proposed addition at 924 Mockingbird Lane, Sunnyvale, CA, and support the proposed addition as designed and are in support of the variance as requested.

Jennifer Auten
Name
920 Mockingbird LN
Address
[Signature]
Signature

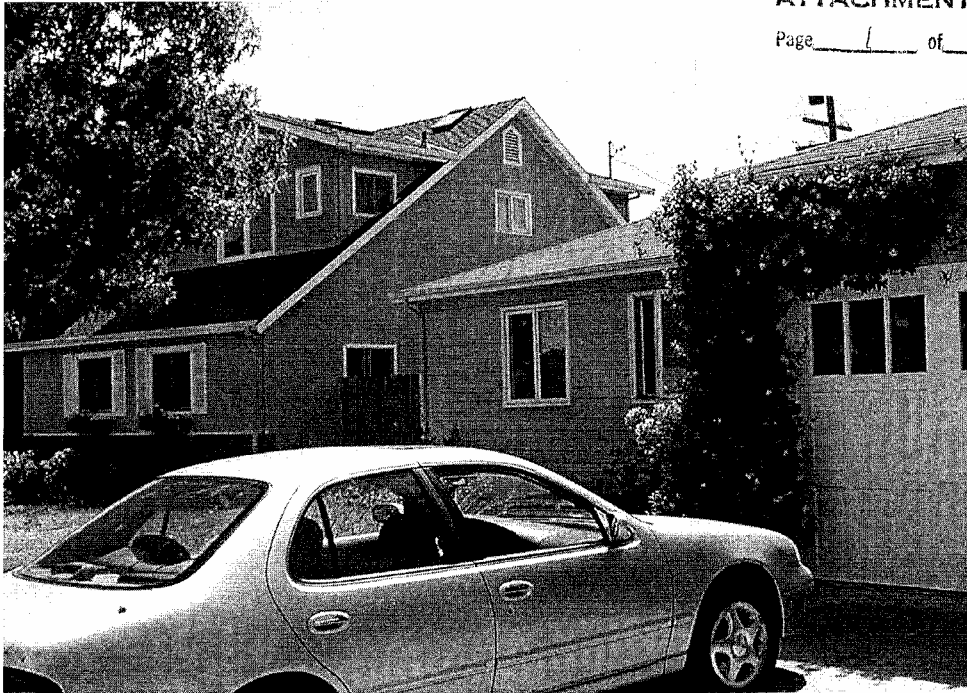
Susan Van Den Broek
Name
917 Mockingbird Ln.
Address
[Signature]
Signature

JOHN MILLER
Name
428 MOCKINGBIRD LN
Address
[Signature]
Signature

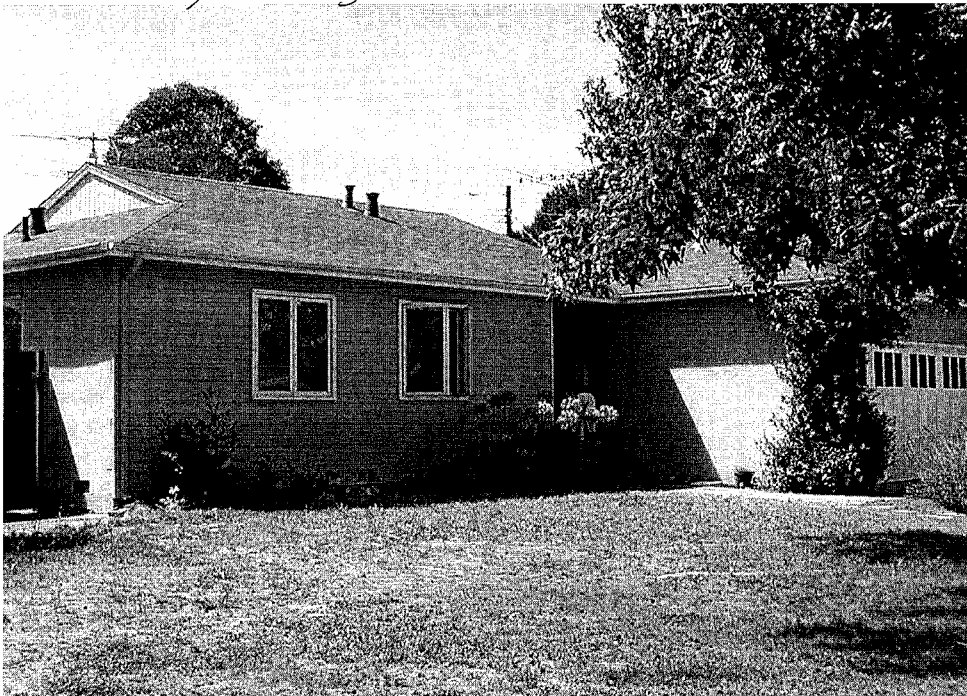
Ron Brunner
Name
918 Mockingbird Ln.
Address
[Signature]
Signature

Richard Bryant
Name
936 Mockingbird Ln
Address
[Signature]
Signature

PROPERTY OWNERS
AT 915 MOCKINGBIRD
WERE OUT OF TOWN



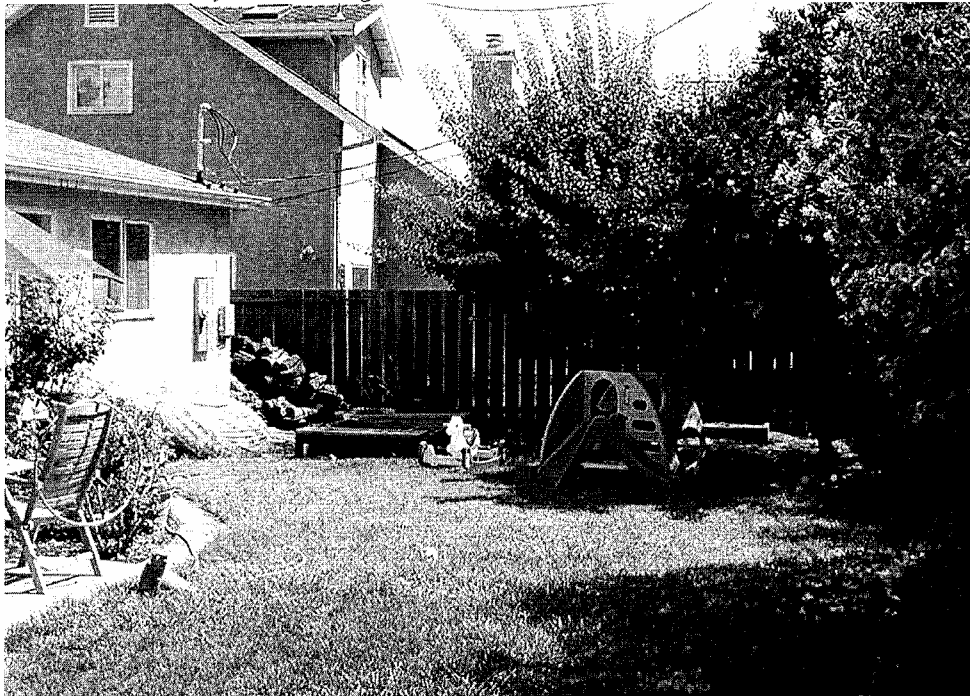
Front yard facing east



Front yard facing south



Rear yard facing south



Rear yard facing east